

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

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**CRM-M-29049-2022
Date of decision: 14.07.2022**

NANDAN KUMAR YADAV

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Govind Mor, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.
for the respondent-State.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 of Cr.P.C., wherein, the petitioner craves for indulgence of regular bail becoming granted to him, in respect of FIR No. 114 dated 18.07.2021 registered at Police Station Kalka, District Panchkula, wherein, offences constituted under Section 307 of the IPC, and, 25/54 of Arms Act, are embodied.

2. The incriminatory role as assigned to the present bail petitioner is that qua his with the user of a country made pistol, hence firing a shot at the victim, and, which struck his right hand. Though, the above manner of committing an assault upon the victim, does make it to

fall within the ambit of Section 307 IPC, but without, at this stage, delving into the merits of the inculcation drawn against the present bail petitioner, and, or qua it being ridden with a vice of falsity, the factum of his judicial incarceration, commencing since 19.07.2021, besides as submitted by the learned State Counsel qua all recoveries being made at his instance, to the investigating officer concerned. Moreover, the further factum of the trial as became entered upon the present bail petitioner being almost complete, rather does constrain this court, to not to decline the craved for indulgence to the present bail petitioner.

4. Moreover, since at this stage, no evidence has been adduced by the prosecution, suggestive that in the event of the bail petitioner being admitted to regular bail, there is every likelihood of his fleeing from justice or tampering with prosecution evidence, or influencing prosecution witnesses, therefore, his judicial incarceration is not required to be any further prolonged, as thereupon, his personal liberty would become unnecessarily fettered, and, curtailed.

5. In consequence, the instant petition is allowed, and, the petitioner-bail-applicant is ordered to be released from judicial custody. However, the granting of bail to the bail applicant-petitioner, is subject to his furnishing personal, and, surety bonds in the sum of Rs.1,00,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, also his not influencing prosecution witnesses, and, besides his appearing before the trial Court concerned, as and when directed to make his personal appearance

unless validly exempted.

6. It is clarified that the above made observations are strictly made only for disposal of the present bail petition, and, shall not influence in any manner, the learned trial Judge concerned as and when he/she deals with the trial of the FIR (Supra).

14.07.2022

kavneet singh

(SURESHWAR THAKUR)

JUDGE

Whether speaking/reasoned

Whether reportable

:

:

Yes/No

Yes/No